

Ordinance for the Operation of the Water and Wastewater System

Town of Jamestown



(Adopted on February 20, 2007)

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I. INTRODUCTION

A. PURPOSE

The Water and Sewer Ordinance is intended to define the operations and methods for extensions to the Town of Jamestown utility systems. The Ordinance further establishes procedures for installing new services and the financial obligations thereto.

B. OBJECTIVES

The Town's primary objective is to provide reliable and affordable utility service to its existing customers. New customers to the system are therefore expected to share in a majority of the expense for their new services. The specific objectives of this Ordinance are to:

1. Define how requests for new service shall be submitted to the Town.
2. Define the facilities necessary to provide new services.
3. Define the construction responsibilities for these new facilities.
4. Define the financial responsibilities for these new facilities.
5. Establish funding mechanisms for private contributions to publicly funded utility extensions.

C. DEFINITIONS

The following terms shall be given the meanings hereinafter ascribed:

Availability Fee – a fee paid by all new customers to defray, in part, the cost of the existing major facilities through which service will be provided.

Building - A structure as defined in the State Building Code.

Connection - That part of the water or wastewater service line which runs from the main to the property line, including all appurtenances to make the service complete and ready for use.

Capacity Use Fee - A fee charged to new customers in order to partially recover the cost of the capacity of the utility treatment systems used to serve them.

Consumer - The person legally or equitably responsible for the payment of charges for water or sewer service on any premises.

Improved street - Any street having a wearing surface of concrete, brick, stone block, asphalt, or any bituminous compound.

Inflow - Water which enters the sanitary sewer system during rainfall events, through defective pipe or appurtenances in the sewer main or in the service connections or by way of illegal connections (i.e. roof drains, area drains).

Lateral - That portion of the water or sewer connection which include the meter box, meter setter and connection but excludes the meter.

Main - The water or wastewater pipe usually laid in a street generally running parallel to the property line which distributes water or collects wastewater.

Major Facilities – facilities defined by the Town of Jamestown Water and Wastewater Plan. Major water facilities generally consist of the treatment works, storage facilities, pumping facilities and water transmission lines 12 inches in diameter and larger. Major wastewater facilities generally consist of the treatment works, pumping facilities with capacity in excess of 700 gallons per minute and sewers 12 inches in diameter and larger.

Minor Facilities – facilities to provide local service, which are not defined by the Town of Jamestown Water and Wastewater Plan.

Occupant - The consumer who is actually in possession or control of any premises.

Owner - The person having legal or equitable title to any premises.

Person - Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust estate, government entity or their legal representative agents or assigns.

Premises - Land, building, or other structure and appurtenances thereto.

Sewer – City owned sewer line. The public portion of the sanitary sewer system.

Service line - Small line which may service a house or a limited number of structures and which may be in the street or on private property, connecting the customer to the Town system at the point of sale.

System Development Charge – a fee paid by all new customers outside the Town limits to defray, in part, the cost of extending the major facilities to new service areas.

Tap Fee – a fee paid by all new customers to defray, in part, the cost of the service connection and meter.

Urban Growth Areas – the areas around Jamestown considered by the Town to be viable candidates for incorporation into the Town. The areas are bounded by the Urban Growth Boundary, as established by the Town Council, and are reflected in the Town's various Capital Improvement Plans.

Waste (domestic) - Wastewater generated from human waste or any wastewater with concentrations at or below the pollutant specific numerical concentrations published by the EPA as "domestic concentrations" and not subject to any other discharge standards or requirements.

Waste (Properly shredded garbage) - Shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-quarter inch (1/4") in any dimension.

Wastewater System - Shall mean facilities for collecting, pumping, treating, and disposing of wastewater and industrial waste.

II. PROVISIONS OF SERVICE

A. PETITION

Any interested party may request water and/or sewer service from the Town. If the service is to be provided within the corporate limits and adequate public water and sewer lines are available adjacent to the property, service will be provided upon approval of plans and payment of the applicable fees. If the service is to be provided outside the corporate limits or requires extension of a service line, a formal petition for service shall be submitted to the Town Manager for consideration.

Every application for water or wastewater service shall list on forms provided by the Town; the property owners, the street on which the lot is located, and the number of the house and/or building. When the size of the service and the applicable fees of the connection have been determined and upon approval of plans, the applicant shall pay the fees and shall be issued a permit for the desired connection. The Town shall have no responsibility for the design of a sprinkler or other fire protection system. Application for a connection to serve such a system shall be made exactly as outlined above except that the size of the connection desired shall be placed upon the application. The installation of water laterals and sewer laterals must be done by a licensed utility contractor. The installation of all laterals or settings of the required meters shall be done only after payment of appropriate fees and approval of an application for service. The Town or a licensed utility contractor shall install water or sewer laterals from the main to the property line and shall be responsible for all excavations, laying of pipes, backfilling and pavement replacement. Installation by an approved utility contractor shall be by approved plans and shall be inspected by Department of Public Services personnel.

All petitioners requesting new or modifications to existing utility service shall, at the request of the Town, file a petition for annexation to the Town. The Town will generally consider annexation and extension of utilities to areas that fall within the Town of Jamestown's area according to the Annexation agreement boundaries established between the Town of Jamestown and the cities of Greensboro and High Point. Failure to file a petition for voluntary annexation or satellite annexation on notice from the Town shall result in immediate termination of water and/or sewer service.

B. TOWN RESPONSE

Upon receipt of a petition to extend a water and/or sewer main, the Town Council has the following five options for response:

1. Install the utility extension at the Town's expense.
2. Approve and allow the petitioner to install the utility extension at his expense.
3. Install the utility extension at the petitioner's expense.
4. Install and jointly finance the extension in cooperation with the petitioner.
5. Deny the request.

The criteria under which an option will be chosen are generally defined herein; however, the Town Council may act according to any aforementioned option, which it feels is in the best interest of the Town.

The Town Council may also extend water and/or sanitary sewer mains on their own volition without receipt of a petition and assess the cost or collect utility fees as described herein, from those who connect to the main.

Service Outside Corporate Limits

III. GENERAL POLICY

It is the general policy of the Town of Jamestown to provide water and sewer utility services only to properties within the corporate limits of the Town and to allow the extension of such lines to serve properties only within the corporate limits. No water or sewer service shall be provided to any property outside the corporate limits of the Town of Jamestown unless the owner of that property petitions for voluntary annexation, and the Town Council approves that annexation prior to the receipt of water and sewer services, or the owner applies for and the property meets an exception to this general policy. Those exceptions are provided for in Section IV, Exceptions to the General Policy, which follow.

IV. CONDITIONS OF SERVICE OUTSIDE CORPORATE LIMITS

All water and wastewater service to new customers outside the corporate limits who are connecting onto water and/or wastewater lines which were not installed under the agreement between the Town of Jamestown and Guilford County shall be allowed to connect onto the respective lines only on the following conditions:

(a) Privilege fees, in lieu of assessments, shall be charged at the same rate as is currently applicable under the contract between the Town of Jamestown and Guilford County.

(b) Connection or Capacity Use Fees shall be charged at the rate as specified for outside the corporate limits.

(c) An agreement shall be signed by the customer to abide by all pertinent Laws, Rules, Regulations and Contracts on file with the Town Clerk including the following conditions:

(1) Any unpaid water or wastewater bill shall be and remain a lien upon the property served until fully paid.

(2) No deposit shall be required of an owner of any premise. Deposits shall be required of all tenants in accordance with this ordinance.

(3) No person, other than a municipality, may sell or offer for sale any water purchased from the Town of Jamestown.

(4) Any property owner who is to be permitted to connect onto an existing Town of Jamestown water and/or sewer line, or extend a water and/or sewer line shall prior to connecting or extending the lines execute a Utility Agreement and Annexation Petition with the Town prior to connecting to or extending the line. Such agreement shall be binding upon the heirs and successors in title.

(5) In order for any property which is, or becomes, located within another municipality to receive, or continue to receive water and/or wastewater services from the Town of Jamestown, the owner or occupant shall pay those charges established pursuant to an agreement between that municipality and the Town of Jamestown.

(6) These provisions may be revised or modified at anytime by the Town Council. Such Council approved revisions, modifications, or policy changes shall supersede these eligibility requirements.

V. EXCEPTIONS TO THE GENERAL POLICY

An owner of a property that is located outside the corporate limits may be permitted to connect onto existing Town of Jamestown water and sewer lines when the owner applies for an exception to the general policy and the following requirements are met:

- A. A Technical Review Committee (TRC) determines that the property meets one of the following conditions:
 - 1. Annexation of the property is prohibited due to statutory or legal constraints;
 - 2. The city is unable to effectively deliver all services to the property; or
 - 3. The location of the property, relative to the location of the primary corporate limits and Town services, makes the delivery of Town services to the property impractical due to costs or physical constraints.

- B. All the following requirements shall be met:
 - 1. All plumbing fixtures and facilities shall be in compliance with the appropriate building codes and/or Guilford County Health Department regulations.
 - 2. The use of the property is limited to one dwelling unit or nonresidential establishment located on a property three acres or less in size. However, the Town Council, upon a formal written request by the property owner, may approve service to a larger property or for more than one dwelling unit on a property if the Town Council determines that such actions are not in conflict with Town interests.
 - 3. The owner executes a written agreement with the Town, committing to submit a voluntary annexation petition upon request by the Town, in accordance with Section V D., Agreement, of this policy.

- C. Connections to Town water or sewer lines shall not be authorized until the Town Council has received notice of the Technical Review Committee's decision and such decision shall not be effective until the day after the next regular meeting of the Town Council.

- D. Written Agreement

Prior to a property receiving water and/or sewer services as an approved exception to this policy, all owner(s) of such property must execute a written agreement with the Town. In such agreement and in return for water and sewer service, the property owners shall declare and agree that as long as the property remains outside the corporate limits of the Town of Jamestown:

- 1. That the property shall be subject to the Town's minimum outside water and sewer rate schedule for water and/or sewer service;
- 2. That the property shall not be further divided or subdivided to create more lots or principal building sites;
- 3. That the property owner, or their successors or assigns, upon sufficient notice by the Town, shall execute any and all documents required to accomplish voluntary annexation;
- 4. That if following notice, the owner fails to execute action to accomplish voluntary annexation, then the city shall terminate water and/or sewer services to the property;
- 5. And, that the owner shall not oppose or support opposition to an annexation initiated by the Town of Jamestown that includes any or all the property to which

water and sewer service was provided by the Town of Jamestown pursuant to this policy.

VI. REQUIREMENTS OF CONNECTION

A) REQUIREMENTS OF CONNECTION

Connections to Town water and sewer lines are to be made within 30 days. Within 30 days from the time water and/or sewer lines are completed and ready for use, the abutting property owners shall cause such property to be connected to both water and/or sewer lines. If both water and sewer are available the property owner must connect to both at the time of connection, provided that the property owner is notified, in writing, of the installation of said lines. The property owner shall have 30 days after such notification to make the connection. At the time a water connection is made to the town water system, all cross-connections as defined in the Backflow Prevention and Cross Connection Control Policy shall be disconnected. Under no conditions will interconnected dual water supply systems be permitted. This requirement may be waived by the director of public services department if, in his opinion, a health condition does not require immediate connection.

If, during the extension of the water and sewer system pursuant to means other than by public necessity or sufficient petition, water and/or sewer service becomes available to adjacent property served by these extensions, no assessment shall be levied. However, if service is later requested by an adjacent property owner, a fee in lieu of assessment shall become due. This fee shall be the current assessment rate in effect at the time of request for service if the property is located inside the city limits. This fee shall be in effect for all property along existing road frontage affected by this extension.

In those areas annexed into the town, the owners of the properties abutting streets where water and/or wastewater are available shall at the time of annexation be required to connect onto water and wastewater lines within one (1) year from the effective date of annexation. This requirement may be waived by the director of public services department if, in his opinion, a health condition does not require immediate connection. However, if the property abutting streets with water and wastewater has malfunction of a well or septic tank serving the property, then the owner will be required to initiate connection to both water and wastewater, as available, immediately after being notified in writing either by the Town of Jamestown or the Guilford County Health Department.

In coordination with connection to Town water and/or sewer utilities, any open dug well on the premises shall be disconnected and/or abandoned per State and County Health requirements and, after a wastewater connection is made, any privy pit or septic tank after being cleaned shall be filled with clean compacted earth to the level of the ground surface.

B) DISAPPROVAL OF APPLICATION

If, in the opinion of the Public Services Director, the water and/or wastewater connection applied for will be of such size or character as to put too great a demand on any part of the system and disrupt the Town's ordinary service, he shall disapprove the application until such time as adequate means are provided to eliminate the unsatisfactory condition. If, at any time, changes are made by a consumer in his service requirements so as to create an unsatisfactory condition in the Town's water or wastewater service, the Public Services Director shall require the consumer to adopt remedial measures to eliminate the

unsatisfactory condition. If the waste proposed to be discharged into the Town's sewerage system is in the opinion of the Public Services Director, of such a nature or of such quantity as to overload the existing sewage collection or treatment facilities, he shall disapprove the application and require the applicant to adopt remedial measures to eliminate the unsatisfactory condition. An appeal from the ruling by the Public Services Director may be made to the Town Manager whose decision shall be final. The Town shall in no way be responsible for any cost or inconvenience caused by a change in service requirements after an application has been approved or by an installation before the application has been approved.

C) CONNECTIONS PROHIBITED

No person shall cause any stormwater runoff or unapproved water discharge (via open gutter, rain water conductor, cesspool, privy vault, or steam exhaust, or other steam apparatus) to be connected to any wastewater line without specific permission from the Public Services Director. The town will allow a drain from a dumpster pad to be tied to the sanitary sewer if the area is curbed and no water other than that which falls on the dumpster will be drained to the sewer. A one time pad charge will be made based on a 400 square foot area and 45 inches of rainfall annually.

D) SEPARATE WATER AND WASTEWATER CONNECTIONS AND METERS

Required: Each building shall have a separate water meter and where practical shall have a separate water lateral. In the event that one lateral is approved to be used for two buildings, or used to serve two or more meters for the same building, an approved separate cut-off shall be provided for each meter. Where practical, each building shall have a separate wastewater connection or otherwise must be approved by the Director of Public Services.

E) OWNERSHIP OF CONNECTIONS

All meters, boxes, pipes and other equipment furnished and installed by the Town for water or wastewater connection shall remain the property of the Town. If, after an installation is completed, the property owner requests that a meter or lateral be changed in size and this request is approved by the Public Services Director or his designee, the property owner shall pay for the change of lateral as though it were a new connection and shall pay or be refunded the difference of the cost of meters in the original and new installations according to the current price of the two meters.

F) MAINTENANCE OF METERS AND CONNECTIONS

All meters and water and wastewater connections at the public main installed by the Town shall be maintained by the Town at the Town's expense with the exceptions below:

- (a) Meters as otherwise outlined by this policy.
- (b) The property owner will be responsible for maintaining the area around the meter in good repair per Public Services Department Standards. The meter box will be at ground level and not covered with dirt, debris, etc. The meter reader shall be able to read the meter without hindrance from brushes, trees, flowers, fences, etc.
- (c) If inadequate access is provided for reading and maintaining the meter, written notice will be given to the property owner to correct within 90 days. If not corrected within 90 days, an additional charge shall be applied per billing in addition to estimated charges. Furthermore, water and sewer may be terminated if not corrected.

G) CONNECTION OF UNAPPROVED SUPPLY

No part of the plumbing served by the town's water system shall be connected to any other source of water supply. If upon any premises both Town water and water from any other source are used, the piping shall be completely separate. Pipes carrying water from a source other than the Town's supply shall be painted a pre-approved color code or marking system and verified through the Guilford County Inspections Department.

H) BACKFLOW PREVENTION

All water lines connected to the water distribution system owned and operated by the Town of Jamestown shall be subject to the requirements of the Town's Backflow Prevention and Cross Connection Control Policy. Upon notice from the Town of Jamestown Public Services Department, the customer will be required to have the backflow prevention device and cross connection control device(s) tested by a certified tester. The customer will submit satisfactory test results to the Town of Jamestown Public Services Department within 30 days of notice. Failure to properly test could result in discontinuance of service. For further information, please consult the Town of Jamestown's Backflow Prevention and Cross Connection Control Policy.

I) EXPANSION OF SYSTEM

It is the policy of the Town to extend, or allow for extension, of Town water and sewer service to developments to provide for the orderly growth of the Town. Participation by the Town will be at the option of the Town Council based on the total benefit to the Town.

The developer shall absorb the entire cost of water and sewer extensions to the development property. As required, the developer shall extend water and sewer utilities through the property or across the property roadway frontage in order to serve adjacent properties. Reimbursement for oversize lines will be at the discretion of Town Council in the same manner as stated in the Oversize Pipe Reimbursement section.

Water and sewer extensions not specifically covered by existing policy will be as negotiated and contracted for between the Town and the developer.

The Town of Jamestown will maintain a process for approval of the construction or alteration of the water distribution and/or the wastewater collection system. The process will incorporate all requirements of the Division of Water Quality and/or the Division of Environmental Health for certification of the program. All design must be based on Town design requirements. Upon completion of the construction or alteration of the distribution or collection system, the applicant shall submit a statement to the local approval program signed by a licensed professional engineer stating that construction was completed in substantial accordance with the approved plans and specifications and revised only in accordance with NCDENR regulations.

J) WATER AND WASTEWATER CONNECTIONS

Upon designing improvements to a street the Town may stub out water and wastewater connections to each buildable lot. When a connection terminates at the curb line, the connection shall not be extended to the property line and the meter set until the owner of the property or his agent applies for such connection. When the connection terminates at the property line, the meter shall not be set and the wastewater or water connection shall not be used until the owner of the property or his agent applies for service.

K) OVERSIZE PIPE REIMBURSEMENT

The developer of a new subdivision shall be responsible for the cost of the installation of water and sewer lines, and all appurtenances, as required by the Town of Jamestown. The property owner or engineer is required to investigate serving adjoining properties with water and sewer service and report such findings to the Public Services Department. If it is determined by Town staff that extension of utilities through the development is feasible, the developer will be required to extend the lines at their expense. Any participation by the Town will be at the option of Town Council based on total benefit to the town. Any water or sewer main that passes through a new development can be used by the Town to serve areas beyond the new development. If the Town deems necessary, it may require the developer to install a line in excess of the standard line diameter required to serve the development. The difference in costs between the standard main required by the development and an oversized line shall be the responsibility of the Town and is outlined below.

1) Water Improvements

If the developer, with his engineer, will design the water system to Town standards, provide all necessary surveying, install all pipes, laterals, and appurtenances, inspect the construction, and furnish final "as-built" plan and profile drawings in accordance with the Town's design criteria and with the Town's approval of plans, the Town will:

- a) Review the construction inspection for conformity to the approved plans and Town requirements.
- b) Reimburse the developer for oversized water lines which are required to serve areas other than those within the development.

The reimbursement for oversized sewer mains will be at the actual approved cost, or at the following rates, which ever is less:

For 12 inch diameter lines.....\$ 7.00 per lineal foot
For 16 inch diameter lines.....\$ 14.00 per lineal foot

For pipe sized above 16 inches in diameter, the amount of reimbursement will be negotiated subject to final approval by the Town Manager.

All quantities submitted for payment shall be verified by a Professional Engineer licensed by the state of North Carolina. In no case shall the reimbursement exceed the developers actual contract cost.

2) Sewer Improvements

If the developer, with his engineer, will design the sewer system to Town standards, provide all necessary surveying, install all pipes, laterals, and appurtenances, inspect the construction, and furnish final "as-built" plan and profile drawings in accordance with the Town's design criteria and with the Town's approval of plans, the Town will:

- a) Review the construction inspection for conformity to the approved plans and Town requirements.

- b) Reimburse the developer for oversized sewer lines which are required to serve areas other than those within the development.

The reimbursement for oversized sewer mains will be at the actual approved cost, or at the following rates, which ever is less:

For 12 inch diameter lines.....\$ 6.00 per lineal foot
For 15 inch diameter lines.....\$ 12.00 per lineal foot
For 18 inch diameter lines.....\$ 21.00 per lineal foot

For pipe sized above 18 inches in diameter, the amount of reimbursement will be negotiated subject to final approval by the Town Manager.

For sewer main which the Town requires to be bored or tunneled under a roadway, the reimbursement will be at the actual approved cost, or at the following rates, which ever is less:

For 12 inch diameter lines.....\$ 35.00 per lineal foot
For 15 inch diameter lines.....\$ 50.00 per lineal foot
For 18 inch diameter lines.....\$ 75.00 per lineal foot

For pipe sized above 18 inches in diameter, the amount of reimbursement will be negotiated subject to final approval by the Town Manager.

All quantities submitted for payment shall be verified by a Professional Engineer licensed by the state of North Carolina. In no case shall the reimbursement exceed the developers actual contract cost.

3) Reimbursement Contract Based on Developer Pricing

Should the developer's contract unit prices be less than the rates stated above, a reimbursement contract will be prepared based on bid tabulations submitted by the developer (as prepared by his engineer). The contractor installing the improvements shall be approved by the Town. The contract shall be approved by the Town Council prior to the developer beginning with ant reimbursable work. Payment may be withheld for any improvement work subject to reimbursement that commenced prior to Town Council's decision.

Copies of the construction contract and cost invoices shall be submitted to the Town. The Town shall be party to and approve contract and plan modifications.

After installation, a North Carolina licensed engineer shall submit a letter of certification stating that the improvements have been inspected and constructed to Town standards and the costs submitted for reimbursement are true and accurate. In no case shall the reimbursement exceed the developers actual contract cost.

4) Reimbursement Contract for Oversize Pipe

Should the pipe size not be represented in the above rate information and the Town Manager has approved the concept of oversizing the pipe for the

benefit of the Town, then a reimbursement contract will be prepared based on bid tabulations submitted by the developer (as prepared by his engineer) and the most recent applicable Town contract unit price. The contractor installing the improvements shall be approved by the Town. The contract shall be approved by the Town Council prior to the developer beginning with any reimbursable work. Payment may be withheld for any improvement work subject to reimbursement that commenced prior to Town Council's decision. In no case shall the reimbursement exceed the developers actual contract cost.

Copies of the construction contract and cost invoices shall be submitted to the Town. The Town shall be party to and approve contract and plan modifications.

After installation, a North Carolina licensed engineer shall submit a letter of certification stating that the improvements have been inspected and constructed to Town standards and the costs submitted for reimbursement are true and accurate. In no case shall the reimbursement exceed the developers actual contract cost.

VII. APPLICATION AND FEES

Application and Charges

1. Application for Service

A service charge for all water accounts inside and outside the Town shall be necessary for each new application for water service. Applications for water service shall be made in writing. Each applicant must provide proper identification and only members of the immediate family and/or relatives may be authorized to sign for the applicant. If the property owner has a property management company representing them, the Public Services Department reserves the right to require a document stating that the management company has been empowered by the property owner to sign up for application and oversee the property. It is the property owner's responsibility to make sure the Town of Jamestown Public Services Department is notified if there is a change in the management company overseeing the property. It is also the property owner's responsibility to let Public Services know when the tenant moves out of the property. If application is made for water service to premises on which delinquent water rents are or may be due, the application may be honored but the owner of the property will be advised in writing that delinquent water rents are due, or may be due on the premises, and that if these charges are not paid, they shall become a lien against property and shall be subject to advertising with possible foreclosure of property. If it is determined that any person has moved from a previous location leaving an unpaid water bill, then that person will be provided water service if all delinquent water bills and penalties charged to him, or his or her spouse, if they were living together are paid. If these delinquent water bills are not paid at the time application is made or if thirty (30) days have elapsed since previous service has been terminated, the current account without further notice, will be discontinued and delinquent fees added as per this ordinance. Two final bills will be sent to the new address. The customer, prior to the due date of the final notice, has a right to appeal the bill to the Town Manager. The Town Manager's decision regarding the appeal will be final.

2. Deposit Required

When any tenant of any premise makes application for water to be furnished to such premises, he or she shall be required to make a deposit as hereinafter set out to

guarantee payment of the final water bill due upon termination of the water service. The deposit shall not be applied to a delinquent water bill, unless the delinquent water account is determined to be the final bill and service is terminated. When such tenant has the water finally cut off, he shall upon payment of all water bills due, be entitled to the return of his deposit, or any balance thereof. If such tenant vacates the premises without notifying the Town of Jamestown and having the water cut off, he shall forfeit any balance of such deposit remaining after the water bill has been deducted there from. The amount of such required deposit shall be set in a separate fee schedule which is adopted by the Town Council.

The making of the deposit required by this ordinance shall not relieve any premises of liability for the payment of any water bill incurred by any tenant. Every landlord renting or leasing premises to tenants required by this ordinance to make deposit, shall immediately notify the Town of Jamestown upon the occupation or vacation of the rented or leased premises by the tenant.

3. Sewer Service Charges

The owner of any property receiving sewer service and not using Town water, except as hereinafter provided, shall have the option of installing and maintaining without cost to the Town a meter or meters to measure the quantity of water received from any source other than the Town's water supply system, but discharged into the Town's sewers. Such meter or meters shall be installed only under the supervision and in accordance with the plans and specifications of the Town or they will be charged an annual wastewater charge as approved by the Town Council.

4. Water Not Discharged to Wastewater System

Any consumer who uses water from the Town's water system for an industrial or commercial purpose so that the water used is not discharged into the wastewater system of the Town shall not be charged for sewer service on said quantity; provided that the water used for such industrial or commercial purposes and not discharged into the Town's wastewater system shall be accurately measured at the expense of the consumer. Any consumer using water from the Town's water system for purposes other than commercial or industrial, so that the water used is not discharged into the wastewater system of the Town, may install and maintain without cost to the Town a meter or meters to measure the quantity of water used but not discharged into the Town's wastewater system. Such meter or meters shall be installed under the supervision and in accordance with the plans and specifications of the Town. He shall not be charged for wastewater service on quantity.

5. Discontinuance of Service

When any consumer becomes delinquent in the payment of a regular service bill (does not pay by the due date noted on the bill), there will be mailed a written notice to the effect that if the service bill due is not paid within 7 days after the due date, the water will be cut off. It may not be turned on again until the bill due has been paid together with any accumulated penalties. If the bill has not been paid by the due date, then a late fee will be imposed. The water will be cut on after the bill, late fee, and reconnect fees have been paid. Reconnect fees will be imposed during work hours (Monday – Friday, 8:30 – 5:00), and additional reconnect fees will be imposed after business hours. If a consumer pays a service bill with a check that is returned unpaid for any reason, the consumer shall be informed of this occurrence and shall be given written notice mailed to the address given in his application that a fee shall be added to the account for processing the returned check. The consumer then must pay the bill and returned check fee in cash. After a consumer has three (3) checks returned, the consumer will be put on a cash-only basis.

If the returned check is not picked up and the service bill and accumulated fees not paid within seven (7) days, then water may be cut off.

6. Meters, Devices, and Testing

All meters or other measuring devices installed or required to be used shall be under the supervision and control of the Town and shall be installed and maintained at cost to the owner of the property. Meters or other devices installed for the purpose of determining the quantity of water not discharged into the Town's sewers shall be kept in repair, whether caused by ordinary wear and tear or other cause, and bills for repairs made by the Town shall be added to and become a part of the wastewater bill. Any consumer may have a water meter test made by advance payment of the fee schedule based on meter size.

If the consumption shown on the meter in question is greater than twice the average consumption for the preceding six months, and the reason for such an increase cannot be determined, the fee for testing the meter shall be waived. Since the most accurate water meters suitable for general use require a margin of approximately two and one-half percent for error, any meter which shows upon testing an error of not greater than two and one-half percent, it shall not be considered defective. If the meter is found to be over-registering in excess of two and one-half percent, refund shall be made for those billing periods up to one year in an amount equal to the total over-registration, and the fee paid for the test shall be refunded.

7. Adjustment of Overcharges

The Finance Officer, or his designee, shall have the authority to adjust any water bill, provided the charge is excessive and the cause of the excessive bill has been corrected, based upon the following conditions:

(a) If the cause is a defect in a plumbing fixture and the water is returned to the wastewater system, the adjustment shall be calculated by determining an average water bill for the preceding year and writing off one-half (1/2) of the water and wastewater bill above an average bill.

(b) If the cause is a burst pipe or an underground leak and the wastewater is not returned to the sanitary sewer system, the adjustment shall be calculated by determining an average water bill for the preceding year, and writing off all the wastewater bill and one-half (1/2) the water bill above an average bill. Reasonable precautions must have been taken to ensure that further freezing of pipes will not occur, if this was the cause of the burst pipe.

(d) If the cause is of an undetermined origin, and it does not appear upon investigation that the occupants of the premises served were in any way at fault for the excessive water bill, the adjusted bill shall be calculated the same as in (a) above.

(e) Any excessive residential bill which exceeds its average monthly or quarterly billing by more than two hundred dollars (\$200.00) due to undetermined cause may be rebated in an amount of up to 90% of the amount exceeding the average billing. "Undetermined cause" means a cause which is not attributable to leaks such as burst pipes, underground leaks, and defective plumbing leaks, or known negligent or deliberate use of water. In regard to leaks, it shall be incumbent upon the customer to have the plumbing properly checked and to provide written evidence that there are no leaks on the property side of the meter.

(g) No adjustment shall be made for a period in excess of two billing periods, and not more than one adjustment for an excessive water bill caused by the same condition shall be made within a period of one (1) year, per customer.

(h) The Town reserves the right to demand proof that plumbing repairs have been made before an adjustment is granted.

VIII. MISCELLANEOUS SALES OF WATER & MATERIALS

1. Special Events

It is the preference of the town to sell water using a permanent service connection where practical. In extenuating circumstances where it is not practical to use an existing or proposed permanent service connection and upon approval, water from a hydrant will be furnished for special events that are temporary in nature. These activities include street fairs or carnivals, markets, parade, circus, road show, or other similar event. The temporary user will be billed at the rate in effect for the meter size used. The user may also be subject to sewer charges based on current rates.

2. Hydrant Use

It is the policy of the Town of Jamestown that the opening or closing, damaging, tampering, connection to, or withdrawal of water from any publicly owned or privately owned fire hydrant connected to the Town of Jamestown water system is expressly prohibited, except in compliance with the terms of the Hydrant Use Policy.

Portable meters and backflow prevention devices for connection to fire hydrants may be furnished by the Town after an application and a deposit has been filed with the Public Services Department. The deposit amount will be double for service provided to companies located outside Guilford County. The applicant shall be responsible for any damage to the hydrant, meter connections, or equipment approved used in the installation and drawing water from either a public or private water system. The cost of any such damage shall be taken from the deposit. A service charge of \$20.00 per month, or any part of the month, shall be made for a meter on a hydrant in addition to the cost of the water used through the meter. After deducting the water rent, service charge, and any cost of damage to the installation, the Town shall refund the balance of the deposit to the applicant as soon as the meter is removed and returned to the Town.

IX. PROTECTION OF SYSTEM

No person shall contaminate any portion of the Town's water supply whether the same is a reservoir, tank, pipe, or treatment facility. Inspectors, Meter Readers or authorized employees of the Town, whose duty it may be to enter upon private premises to examine meters, pipes or other fixtures used in connection with the Town's water and sewer service shall have free access at all reasonable hours to all parts of such premises for the purpose of inspection, meter reading, examination of fixtures, and observation of the manner in which water is used. In case any inspector is refused admittance to any premises for any such purpose or is hindered or prevented from making such examination the water shall be turned off and shall not be turned on again until free access is given.

Tampering with meters and stopcocks - Only a duly authorized employee of the Town shall turn the stopcock installed in each meter box nor shall any person construct or have constructed any bypass around any meter except as may be installed and sealed by the Town. The fact that water is cut on to any premises by an occupant thereof without the knowledge of either the Town or the owner shall not relieve such premises of liability for such unauthorized use of water. Restaurants and food preparation businesses which discharge grease and food waste will be required to install an approved grease trap if one does not currently exist. Any individual or business which discharges any liquid or solids which will cause problems with the sewage collection system or the treatment of wastewater are deemed to be in violation of the code and will be subject to immediate discontinuance of service until the problem causing the discharge can be corrected to the satisfaction of the Town. Additional information may be obtained through the Town of Jamestown Public Services Department.

If a user's service is found to be defective and taking on inflow or if an illegal connection is discovered then the Town will require the user to repair service to acceptable condition. Users will be notified in writing and given 30 days to make necessary repairs. All new plumbing constructed must provide a ground path back to the Town water distribution system. This can be established by the use of a metallic service line, or where PVC service lines are used, an insulated grounding wire attached to the copper plumbing of the dwelling and connecting to the water meter setter. Construction shall be per Town of Jamestown specifications.

X. GUARANTEE OF QUANTITY, QUALITY & PRESSURE

The Town of Jamestown operates its water and sewer systems based in accordance with the Federal and State regulations. The Town does not guarantee the quality, quantity or pressure of its water supply. It is hereby made a portion of the terms on which the Town furnished water to consumers that the Town shall in no case be liable to any consumer for any defect in quality, quantity or pressure. The Town shall not be liable to any consumer for damages resulting from the complete or partial cutting off of water; and no deduction shall be made from any water bill by reason of any such defect or deficiency. In every case where practicable ample notice, by the best means available shall be given when the water is to be cut off from any portion of the Town. No Town employee shall take responsibility for telling a property owner or occupant how best to care for his boiler, heater or other equipment which is affected by the discontinuance, either temporary or permanent. The owner or occupant shall be entirely responsible for his equipment and shall hold the Town in no way responsible for damage thereof.

XI. LEGALITY

Section 1 – Severability

If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance.

Section 2 - Repeal of Previous Town of Jamestown Water and Sewer Ordinances

The following Town of Jamestown, North Carolina Ordinances: 1) Ordinance Involving the Extension of Water and Sewer Lines; 2) Installation of Water and Sewer Lines In and To New Subdivisions; 3) Establishing a Sewer Service Charge For Sewer Services Outside the Corporate Limits of Jamestown; and 4) Ordinance Relating to Sewer Connections, Procedures, and Fees which were adopted in 1979, are hereby repealed.

Section 3 – Conflict

All other ordinances and regulations and parts of other ordinances and regulations inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

Section 4 – Amendments

The Town of Jamestown expressly reserves the right to amend, modify, rescind, or supplement this Ordinance.

XIII. ADOPTION AND EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law on February 20, 2007.